

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JUL 31 2008  
JOHN H. GORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

JOHN PROCTOR,

*Plaintiff,*

v.

LORI GREEN,

CINDY CASEY,

JOHN FREEMAN,

KATHY RALSTON,

VIOLA VAUGHN-EDEN,

*Defendants.*

Case No. 3:07cv00045

MEMORANDUM OPINION

JUDGE NORMAN K. MOON

On May 14, 2008, I dismissed without prejudice the claims set forth in Plaintiff John Proctor's First Amended Complaint. On July 30, 2008, I then denied Proctor's two Motions for Leave to Amend, which sought permission to file Second and Third Amended Complaints, respectively. Moreover, in denying leave to amend, I found that Proctor's substantive due process claims are barred by the statute of limitations. Given this history, as well as Proctor's inability, despite several attempts, to state a claim upon which relief can be granted,<sup>1</sup> it is appropriate that

- (1) Proctor's substantive due process claims be dismissed with prejudice;
- (2) his other claims be dismissed without prejudice;
- (3) this action be dismissed in its entirety; and
- (4) the Clerk of the Court be directed to strike this case from the docket.

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<sup>1</sup> The Court's May 14, 2008 and July 30, 2008 Memorandum Opinions are hereby incorporated by reference.

Accordingly, a separate Final Order to that effect shall accompany this Memorandum Opinion.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Memorandum Opinion to all counsel of record.

Entered this 31<sup>st</sup> day of July, 2008.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE